

Notice of Allowability

Application No.

09/938,114

Examiner

Rita Mitra

Applicant(s)

WANG ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/21/2004.
2. ☒ The allowed claim(s) is/are 20-31.
3. ☒ The drawings filed on 23 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/21/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Status of the Claims

Applicants' Request for Continued Examination (RCE) under 37 C.F.R. 1.114 filed on April 21, 2004 and a response to Examiner's amendment with the notice of Allowance dated January 21, 2004, filed on February 23, 2004 is acknowledged. Examiner's amended claims 20, 21 and new claims 23-31 have been entered. Claims 1-19 have been canceled. Therefore, claims 20-31 are currently pending.

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Examiner's Amendment to the Claim

Claim 20 has been amended to read as:

20. (Amended) A method for dissolving a thrombus in a mammal, comprising the step of administering to said mammal a pharmaceutically effective amount of an isolated, purified or recombinant antithrombosis enzyme from *Agkistrodon actus* having the following characteristics:
- the molecular weight of said enzyme is between about 28 kD and about 32 kD when analyzed by polyacrylamide gel electrophoresis,
 - the aspartic acid content of said enzyme is between about 2% and about 5%,
 - the glutamic acid content of said enzyme is between about 2% and about 5%, and
 - said enzyme hydrolyzes fibrin, dissolves blood clots, and prevents platelet aggregation.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Michael Wise on August 2, 2004.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest a method for dissolving a thrombus in a mammal, comprising the step of administering to said mammal a pharmaceutically effective amount of an isolated, purified or recombinant antithrombosis enzyme from *Agkistrodon actus*, having a molecular weight of 28 kD to 32 kD, with 2% to 5% aspartic acid and glutamic acid wherein said enzyme hydrolyzes fibrin, dissolves blood clots, and prevents platelet aggregation. Further said enzyme is used for treating a thrombosis related disease in a mammal by administering a pharmaceutically effective amount of said enzyme. Therefore the claims are allowable over the art of record. .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 20-31 are allowed.

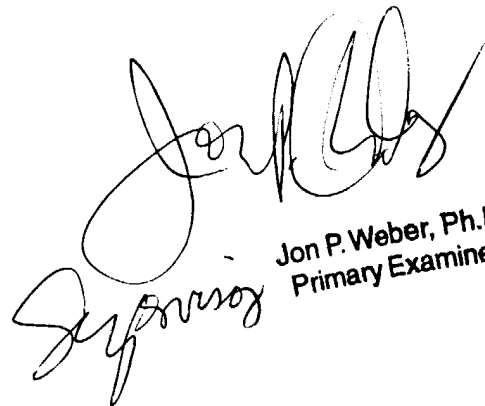
Inquiries

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rita Mitra whose telephone number is (571) 272-0954. The Examiner can normally be reached from 9:30 a.m. to 6:30 p.m. on weekdays. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Jon Weber,

can be reached at (571) 272-0925. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Fax Center number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0547.



Rita Mitra, Ph.D.
August 20, 2004



Jon P. Weber, Ph.D.
Primary Examiner